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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,680	08/19/2003	Yu Wei Chang	4078SB	8285
7590	10/18/2004		EXAMINER	
Yu Wei Chang P.O.Box 63-99 Taichung, 406 TAIWAN			PICKETT, JOHN G	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,680

Applicant(s)

CHANG, YU WEI

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 3-6, 9, 10 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Garro (US 6,390,298).

Regarding claim 1, Garro discloses a tool organizer **10** with a housing **32, 44 & 46** including an upper and lower plate **32** and a tool holder **12** including two sides (see Figure 2), recesses **16**, and a middle axle **30**.

As to claim 7, Garro discloses container (area enclosed by **32, 46 & 48**).

As to claim 12, Garro discloses base **34**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 2004/0188293 A1) in view of Hung (US 5,915,554).

Regarding claim 1, Lee discloses a tool organizer (Figure 2) comprising a housing (see Figure 3) including an upper plate **5** and a lower plate **5'**, at least one tool holder **2, 200 & 3** with a plurality of recesses **20 & 30** for receiving tool elements. The tool holders of Lee have two sides and are reversible from an internal to external position (see Figures 3 and 7).

Lee lacks or does not expressly disclose a middle axle.

Hung discloses a tool organizer with a tool holder **14** having a middle axle **140** and rotatable from an internal to external position (see Figures 2, 4, 5, & 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the organizer of Lee with a middle axle as suggested by Hung in order to rotate the tool holders from an internal to external position without disassembling the organizer.

As to claim 2, Lee discloses posts **5**.

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3. Claims 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee-Hung as applied to claims 1 and 2 above, and further in view of Jordan (US 5,547,098).

Regarding claim 7, Lee-Hung discloses the claimed invention except for the container within the housing.

Jordan discloses containers **36** for receipt within a bucket-type housing in order to store and dispense small parts or objects. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the organizer of Lee-Hung with additional containers as taught by Jordan in order to store and dispense small parts.

As to claim 8, Lee discloses a bore in top plate **5** (see Figures 4 & 5).

As to claim 11, Jordan discloses covers **40**.

4. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garro (US 6,390,298).

Garro, as applied to claim 12, discloses the claimed invention except for the ball bearings. The examiner takes Official Notice that the use of ball bearings between rotating objects was well known in the art at the time the invention was made and the use thereof to reduce friction was within the knowledge generally available to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the base of Garro with ball bearings as claimed by the applicant in order to reduce the friction between the rotating parts.

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Applicant, of course, has the right to challenge this Official Notice in response to this decision and demand production of evidence in support thereof, provided such challenge is accompanied by adequate information or argument that, on its face, creates a reasonable doubt regarding the circumstances justifying the Official Notice. See In Re Boon, 439 F.2d 724, 169 USPQ 231, 234 (CCPA 1971).

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handler et al (US 4,126,366) in view of Murphy (US 3,931,894).

Regarding claim 14, Handler discloses an organizer **10** comprising a housing **12** including an upper plate **20**, a lower plate **22**, a tool holder **50**, a plurality of posts **18**, and lock channels **24**. Handler is capable of organizing tools.

Handler lacks, or does not expressly disclose a catch.

Murphy discloses catches **38** extending into channels **33 & 34** in order to securely retain posts **13**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the channels of Handler with catches as taught by Murphy in order to securely retain the posts within the channel.

As to claim 15, Murphy discloses lock depression **37**.

As to claim 16, Handler discloses curved surfaces **48**.

Allowable Subject Matter

6. Claims 3-6, 9, 10 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shui-Shang, Brown, and Lee '730 disclose bucket type tool organizers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Greg Pickett
Examiner
14 October 2004


Mickey Yu
Supervisory Patent Examiner
Group 3700